

Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 343

SENATE BILL 1232

AN ACT

AMENDING SECTION 28-3153, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003,
CHAPTER 65, SECTION 3; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3153, Arizona Revised Statutes, as amended by
3 Laws 2003, chapter 65, section 3, is amended to read:

4 28-3153. Driver license issuance; prohibitions

5 A. The department shall not issue the following:

6 1. A driver license to a person who is under eighteen years of age,
7 except that the department may issue:

8 (a) A restricted instruction permit for a class D or G license to a
9 person who is at least fifteen years of age.

10 (b) An instruction permit for a class D, G or M license as provided
11 by this chapter to a person who is at least fifteen years and seven months
12 of age.

13 (c) A class G or M license as provided by this chapter to a person who
14 is at least sixteen years of age.

15 2. A class D, G or M license or instruction permit to a person who is
16 under eighteen years of age and who has been tried in adult court and
17 convicted of a second or subsequent violation of criminal damage to property
18 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a
19 felony offense in the commission of which a motor vehicle is used, including
20 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means
21 of transportation pursuant to section 13-1803 or theft of means of
22 transportation pursuant to section 13-1814, or who has been adjudicated
23 delinquent for a second or subsequent act that would constitute criminal
24 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or
25 adjudicated delinquent for an act that would constitute a felony offense in
26 the commission of which a motor vehicle is used, including theft of a motor
27 vehicle pursuant to section 13-1802, unlawful use of means of transportation
28 pursuant to section 13-1803 or theft of means of transportation pursuant to
29 section 13-1814, if committed by an adult.

30 3. A class A, B or C license to a person who is under twenty-one years
31 of age, except that the department may issue a class A, B or C license that
32 is restricted to only intrastate driving to a person who is at least eighteen
33 years of age.

34 4. A license to a person whose license or driving privilege has been
35 suspended, during the suspension period.

36 5. Except as provided in section 28-3315, a license to a person whose
37 license or driving privilege has been revoked.

38 6. A class A, B or C license to a person who has been disqualified
39 from obtaining a commercial driver license.

40 7. A license to a person who on application notifies the department
41 that the person is an alcoholic as defined in section 36-2021 or a drug
42 dependent person as defined in section 36-2501, unless the person
43 successfully completes the medical screening process pursuant to section
44 28-3052 or submits a medical examination report that includes a current

1 evaluation from a substance abuse counselor indicating that, in the opinion
2 of the counselor, the condition does not affect or impair the person's
3 ability to safely operate a motor vehicle.

4 8. A license to a person who has been adjudged to be incapacitated
5 pursuant to section 14-5304 and who at the time of application has not
6 obtained either a court order that allows the person to drive or a
7 termination of incapacity as provided by law.

8 9. A license to a person who is required by this chapter to take an
9 examination unless the person successfully passes the examination.

10 10. A license to a person who is required under the motor vehicle
11 financial responsibility laws of this state to deposit proof of financial
12 responsibility and who has not deposited the proof.

13 11. A license to a person if the department has good cause to believe
14 that the operation of a motor vehicle on the highways by the person would
15 threaten the public safety or welfare.

16 12. A license to a person whose driver license has been ordered to be
17 suspended pursuant to section 25-518.

18 B. The department shall not issue a driver license to or renew the
19 driver license of the following persons:

20 1. A person about whom the court notifies the department that the
21 person violated the person's written promise to appear in court when charged
22 with a violation of the motor vehicle laws of this state until the department
23 receives notification in a manner approved by the department that the person
24 appeared either voluntarily or involuntarily or that the case has been
25 adjudicated, that the case is being appealed or that the case has otherwise
26 been disposed of as provided by law.

27 2. If notified pursuant to section 28-1601, a person who fails to pay
28 a civil penalty as provided in section 28-1601, except for a parking
29 violation, until the department receives notification in a manner approved
30 by the department that the person paid the civil penalty, that the case is
31 being appealed or that the case has otherwise been disposed of as provided
32 by law.

33 C. The magistrate or the clerk of the court shall provide the
34 notification to the department prescribed by subsection B of this section.

35 D. Notwithstanding any other law, the department shall not issue to
36 or renew a driver license or nonoperating identification license for a person
37 who does not submit proof satisfactory to the department that the applicant's
38 presence in the United States is authorized under federal law. FOR AN
39 APPLICATION FOR A DRIVER LICENSE OR A NONOPERATING IDENTIFICATION LICENSE,
40 THE DEPARTMENT SHALL NOT ACCEPT AS A PRIMARY SOURCE OF IDENTIFICATION A
41 DRIVER LICENSE ISSUED BY A STATE IF THE STATE DOES NOT REQUIRE THAT A DRIVER
42 LICENSED IN THAT STATE BE LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL
43 LAW. The director shall adopt rules necessary to carry out the purposes of
44 this subsection. The rules shall include procedures for:

- 1 1. Verification that the applicant's presence in the United States is
- 2 authorized under federal law.
- 3 2. Issuance of a temporary driver permit pursuant to section 28-3157
- 4 pending verification of the applicant's status in the United States.

APPROVED BY THE GOVERNOR JUNE 7, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 7, 2004.

Passed the House May 25, 20 04,

by the following vote: 39 Ayes,

18 Nays, 3 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate March 8, 20 04,

by the following vote: 16 Ayes,

14 Nays, 0 Not Voting

Ken Bennett
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21st day of May, 2004,

at 1:27 o'clock P. M.

Jennifer Upbar
Secretary to the Governor

Approved this 7 day of

June, 2004,

at 11¹⁵ o'clock A. M.

Jon R. Rye
Governor of Arizona

S.B. 1232

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 7 day of June, 2004,

at 4:32 o'clock P. M.

Janice K. Brewer
Secretary of State